

CHAD T. WISHCHUK, SBN 214779

E-mail: cwishchuk@mftb.com

LAURA B. MACNEEL, SBN 251540

E-mail: lmacneel@mftb.com

**MARKS, FINCH, THORNTON & BAIRD, LLP**

ATTORNEYS AT LAW

8620 SPECTRUM CENTER BOULEVARD – SUITE 900

SAN DIEGO, CALIFORNIA 92123-1489

TELEPHONE: (858) 737-3100

FACSIMILE: (858) 737-3101

Attorneys for Defendant William Charles Porges, dba Accelerated Electric

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL  
WORKERS UNION, LOCAL 234  
ELECTRICAL WORKERS  
HEALTH & WELFARE TRUST  
FUND; LOCAL 234 OF THE  
INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL  
WORKERS, AFL-CIO;  
INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL  
WORKERS UNION, LOCAL 234  
EDUCATIONAL AND TRAINING  
FUND; INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL  
WORKERS DISTRICT 9 PENSION  
PLAN; and KENNETH  
SCHERPINSKI, as Trustee of  
Plaintiff Trusts and Business Manager  
of Local 234,

Plaintiffs,

v.

WILLIAM CHARLES PORGES, an  
individual, dba ACCELERATED  
ELECTRIC,

Defendant.

CASE NO: 5:10-cv-05778-EJD

DEFENDANT'S MOTION TO  
APPEAR TELEPHONICALLY AT  
THE CASE MANAGEMENT  
CONFERENCE AND [PROPOSED]  
ORDER

[Civil L.R. 16-10(a)]

Assigned to:  
Hon. Edward J. Davila, Courtroom 1,  
5th Floor

Date: September 23, 2011  
Time: 10:00 a.m.  
Ct. No.: 1

Complaint Filed: December 20, 2010  
Trial Date: Not Set

DEFENDANT'S MOTION TO APPEAR TELEPHONICALLY AT THE CASE  
MANAGEMENT CONFERENCE AND [PROPOSED] ORDER

CASE NO. 5:10-cv-05778-EJD

1 TO THE HONORABLE EDWARD J. DAVILA:

2 Pursuant to Local Civil Rule 16-10(a), and this Court's Scheduling Notes,  
3 § V, Defendant William Charles Porges, dba Accelerated Electric, moves this  
4 Court for permission to have their counsel, Marks, Finch, Thornton & Baird,  
5 LLP, participate in the September 23, 2011, case management conference by  
6 telephone. The grounds for this motion are as follows:

7 No complex or special issues are anticipated in this case. Plaintiffs claim  
8 \$20,974.48 in unpaid trust fund contributions and Defendant denies the  
9 allegations. Defendant's attorneys are located in San Diego, California, and  
10 appearing at the conference telephonically is likely to save travel time and costs,  
11 which would be better spent working to attempt to resolve this matter.

12 The name, address and telephone number of each attorney representing a  
13 party is set forth in the attached certificate of service.

14 DATED: September 16, 2011

Respectfully submitted,

15 MARKS, FINCH, THORNTON &  
16 BAIRD, LLP

17  
18 By: /s/ Chad T. Wishchuk  
19 CHAD T. WISHCHUK  
20 Attorneys for Defendant William  
21 Charles Porges, dba Accelerated Electric  
22  
23  
24  
25

26 280.020/3277728.DOCX.axm

[PROPOSED] ORDER

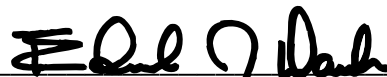
The Court has reviewed and considered Defendant's Motion To Appear Telephonically At The Case Management Conference.

GOOD CAUSE APPEARING, Defendant's Motion To Appear Telephonically is GRANTED.

Defendant's counsel is directed to contact CourtCall to arrange for the telephonic appearance.

IT IS SO ORDERED

DATED: September 19, 2011



Hon. Edward J. Davila  
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been filed electronically on this 16th day of September 2011 and is available for viewing and downloading to the ECF registered counsel of record:

Via Electronic Service/ECF:

Eileen M. Bissen, Esq.  
Richard K. Grosboll, Esq.  
Neyhart, Anderson, Flynn & Grosboll  
44 Montgomery Street, Suite 2080  
San Francisco, California 94104-6702  
Telephone: (415) 677-9440  
Facsimile: (415) 677-9445  
E-mail: ebissen@neyhartlaw.com  
E-mail: rgrosboll@neyhartlaw.com

ATTORNEYS FOR PLAINTIFFS

DATED: September 16, 2011

Respectfully submitted,

MARKS, FINCH, THORNTON &  
BAIRD, LLP

By: /s/ Chad T. Wishchuk  
CHAD T. WISHCHUK  
Attorneys for Defendant William  
Charles Porges, dba Accelerated  
Electric